

EXHIBIT “A”

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

Evgeny Okmyansky,
Plaintiff,

v.

Herbalife International of
America, Inc.,
Defendant

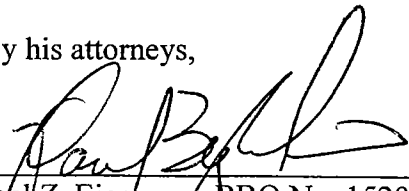
Civil Action No. 03- 10574-JLT

NOTICE OF F.R.C.P. RULE 30(b)(6) DEPOSITION

To: Gary Greenberg, Esquire
Greenberg & Traurig
One International Place
Boston, MA 02110

PLEASE TAKE NOTICE that, pursuant to Federal Rules of Civil Procedure, plaintiff Evgeny Okmyansky, by its attorney, will take the deposition upon oral examination of the officer, director, managing agent or other person most knowledgeable designated by defendant Herbalife International of America, Inc., concerning the subjects set forth in Schedule A attached. The deposition will take place on Thursday, March 4, 2004, at 10:00 a.m. at the offices of Joel Z. Eigerman, Esquire, 50 Congress Street, Boston, MA 02109, before a person qualified to administer oaths and take depositions. The deposition will continue from day to day until completed. You are invited to attend and cross-examine.

By his attorneys,


Joel Z. Eigerman, BBO No. 152000
Pavel Bespalko, BBO No. 654315
50 Congress Street, Suite 200
Boston, MA 02109
617 367 0014

January 28, 2004

CERTIFICATE OF SERVICE

I, Pavel Bespalko, hereby certify that I served the foregoing document upon the defendant by mailing the same via first-class mail, postage pre-paid, to its counsel Gary Greenberg, Esq. of Greenberg & Traurig, at One International Place, Boston, MA 02110 this 28 day of January, 2003.


Pavel Bespalko

SCHEDULE A

The person (or persons) called on behalf of the defendant Herbalife International of America, Inc., will be expected to testify to his (their) knowledge in the following areas:

1. The terms of the contractual arrangement between the plaintiff and the defendant, whether executed by the parties, or otherwise understood or contended to constitute the contract between the parties, including any of its parts, subparts, separate or integrated, including the Rules and Guide Books, and other similar items, whether originating from the defendant or any other source.
2. The number and the identities of Herbalife distributors (of any level), active or inactive, who reside in the Commonwealth of Massachusetts or who have resided within the Commonwealth at the time of entering into their distributorship agreements, or who resided within the Commonwealth at any point during their careers (active or inactive) as Herbalife distributors, within the period of time from January 1, 1994 through the present.
3. The amount of gross sales of Herbalife products which occurred, were consummated, or otherwise happened within the Commonwealth of Massachusetts, including without limitation, the direct sales to individual customers, and orders placed by distributors to be shipped into the Commonwealth.
4. Corporate tax returns and any and all related forms submitted by the defendant or any of its affiliates or subsidiaries to the Internal Revenue Service of the United

States and/or the Massachusetts Department of Revenue for the fiscal years of 1999 through the present.

5. The organizational structure and business activity of Herbalife International Communications, Inc., a foreign corporation registered to do business within the Commonwealth.
6. The organizational structure, means and methods of operation, and affiliation, if any, with the defendant of a foreign non-profit corporation, Herbalife Family Foundation.
7. The number and identities of persons who were recruited by the plaintiff and who executed Distributorship Agreements with the defendant Herbalife during the years of 1996 – 2003 listing the plaintiff as a referring party/ supervisor.
8. The number and identities of persons, who resided within the Commonwealth of Massachusetts, and who were recruited by the plaintiff to execute Distributorship Agreements with the defendant during the years of 1996 – 2003 listing the plaintiff as a referring party/ supervisor.
9. The gross amount of sales of the Herbalife products attributable to the individuals (either direct sales or orders placed for other persons) described in paragraph 8, immediately above,
10. Payments (amounts and dates) made by the defendant Herbalife to the plaintiff in the period 1996 through 2003.
11. The gross amount of payments made by defendant Herbalife to persons other than the plaintiff for commissions and bonuses earned on accounts of the following individuals:

- a. Valentina Borisova, Herbalife Complaint No. RSDD000096, ID No. 16-017927, present address and telephone unknown;
- b. Ludmila Mantsysova, Herbalife Complaint No. ISDD000042, ID No. 16-017896, present address and telephone unknown;
- c. Dmitri Yurin, ID No. 16-017907, present address and telephone unknown;
- d. Svetlana Sokolova, Herbalife Complaint No. RSDD000050, present address and telephone unknown;
- e. Valery Novorussov, Herbalife Complaint No. RSD000111, ID No. 16-029309, last known address: PO Box 7156, Long Island City, NY 11101;
- f. Michail Archavski or Arshavsky, Herbalife Complaint No. RSD000107, ID No. 16-029325, last known address 4804 Laurel Canyon Blvs., #810, Valley Village, CA 91607;
- g. Elena Goliberenko, Herbalife Complaint No. RSD000102, present address and telephone unknown;
- h. Mikhail Gorbatov, Herbalife Complaint No. RSD000101, present address and telephone unknown;
- i. Olga Zakarikina, Herbalife Complaint No. RSD000116, ID No. 16-017904, present address and telephone unknown;
- j. Svetlana Mirgozodskaya, Herbalife Complaint No. RSD000117, ID No. 16-017918, present address and telephone unknown;
- k. Olga Muzalova, Herbalife Complaint No. RSD000097, present address and telephone unknown;

- l. Elena Kadisheva, Herbalife Complaint No. RSD000098/ 10-327439,
present address and telephone unknown;
- m. Valentina Muronov, Herbalife Complaint No. RSD000099, present
address and telephone unknown;
- n. Kamil Ishkinyaev, Herbalife Complaint No. RSD000100, present address
and telephone unknown;
- o. Elena Artamonova, Herbalife ID No. 16-509271, present address and
telephone unknown;
- p. Elvira Tabolova, Herbalife ID No. 10-107686, present address and
telephone unknown;
- q. Igor Averin, Herbalife ID No. 16-509290, present address and telephone
unknown;
- r. Pavel Lebedev, Herbalife ID No. 16-509239, present address and
telephone unknown;
- s. Edouard Olevinski, Herbalife ID No. 10-172717, present address and
telephone unknown;
- t. Irina Balabanova, Herbalife ID No. 16-509214, Herbalife ID No. 16-
509290, present address and telephone unknown;
- u. Alexander Fedorov, Herbalife ID No. 10-171056, Herbalife ID No. 16-
509290, present address and telephone unknown;
- v. Galina Griboedova, Herbalife ID No. 10-172696, present address and
telephone unknown;

w. Igor Zamri, Herbalife ID No. 10-172605, present address and telephone unknown;

x. Tatiana Veriaskina, Herbalife ID No. 38-181319, present address and telephone unknown.

12. The formation, corporate structure and operations of the entity known as Herbalife International Distribution, Inc., with a principal place of business at POB 179, Moscow, Russia 129110.
13. The defendant's efforts in verifying and/ or investigating the plaintiff's complaints concerning the non-payment of dividends due and payable to him on account of the individuals listed in Request No. 12, above. This includes the identities, titles, and addresses for all persons involved in the investigation on behalf of the defendants, the actual steps and actions undertaken, the timeframes, and the results of the investigations, if any.
14. The number and frequency of Herbalife training sessions conducted within the Commonwealth by any person affiliated with the defendant Herbalife International of America, Inc., whether as employee or independent contractor in the period 1996 – present.

EXHIBIT “B”

Law Office of

Joel Z. Eigerman

50 Congress Street, Suite 200
Boston, Massachusetts 02109

Pavel Bepalko, Esq.

Tel (617) 818-1982

Fax (617) 523-5612

Thursday, February 19, 2004

Annapoorni Sankaran, Esquire
Greenberg Traurig
One International Place
Boston, MA 02110

Re: *Okmyansky v. Herbalife Int'l of America, Inc.*,
U.S. District Court C.A. No. 03-10574JLT

Dear Ms. Sankaran:

Enclosed please find for service upon you plaintiff's Response to Defendant's First Request for Production of Documents. As soon as the other responses are back with the client's signature, they will follow directly.

In addition, I would like to request a postponement of the deposition of the defendant scheduled for March 5, 2004, until March 12, 2004. Mr. Eigerman will be out of state from March 4 until March 10. Please let me know if you can accede to this request, and if you will require a second notice of deposition. Similarly, I would like to postpone the plaintiff's deposition from March 19, 2004 to March 29, 2004 since he also will be out of the country on the earlier date. Again, please let me know if that is not acceptable. Obviously, both of the proposed postponement dates are negotiable and depend on the availability of your office.

Thank you for your attention and cooperation.

Very truly yours,



Pavel Bepalko

Enclosure(s)

EXHIBIT “C”

LAW OFFICES OF JOEL Z. EIGERMAN, ESQ.
50 CONGRESS STREET, SUITE 200
BOSTON, MA 02109
T: 617-818-1982
F: 617-523-5612

FACSIMILE TRANSMITTAL SHEET

ATTENTION:

Anna Sankaran, Esq.

FROM:

Pavel Bepalko, Esq.

COMPANY:

Greenberg & Traurig

DATE:

MARCH 4, 2004

FAX NUMBER:

617 310 6001

TOTAL NO. OF PAGES INCLUDING COVER:

2

PHONE NUMBER:

617 310 6000

SENDER'S REFERENCE NUMBER:

RE:

Oknyansky v. Herbalife Int'l of America, Inc.,

US Dist. Ct. C.A. No. 03-10574-JLT

☐ URGENT☐ FOR REVIEW☐ PLEASE COMMENT☐ PLEASE REPLY☐ PLEASE RECYCLE

*****CONFIDENTIALITY NOTE*****

The documents accompanying this telecopy transmission contain information from the law office of Joel Z. Eigerman which is confidential or privileged. The information is intended to be for the use of the individual or entity named on this transmission sheet. If you are not the intended recipient, be aware that any disclosure, copying, distribution or use of the contents of this telecopied information is prohibited. If you have received this telecopy in error, please notify us by telephone immediately so that we can arrange for the retrieval of the original documents at no cost to you.

Law Office of

Joel Z. Eigerman

50 Congress Street, Suite 200
Boston, Massachusetts 02109

Pavel Bespalko, Esq.
Tel (617) 818-1982
Fax (617) 523-5612

Thursday, March 04, 2004

VIA FACSIMILE 617 310 6001 AND
FIRST CLASS MAIL

Annapoorni Sankaran, Esquire
Greenberg Traurig
One International Place
Boston, MA 02110

Re: *Olamyansky v. Herbalife Int'l of America, Inc.*,
U.S. District Court C.A. No. 03-10574JLT

Dear Ms. Sankaran:

This is to confirm that the deposition of your client originally scheduled for tomorrow is canceled. Please refer to my earlier correspondence of February 18 and 24. Likewise, our client is unavailable on the 19th. I recall your promise of alternative dates, but I have not had the benefit of your response yet. My client's Answers to Requests for Admissions will be forwarded within days.

Your client's response to the plaintiff's discovery requests is currently overdue. I invite your commentary.

Thank you for your attention and cooperation.

Very truly yours,

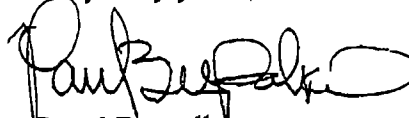

Pavel Bespalko

EXHIBIT “D”

GREENBERG
ATTORNEYS AT LAW
TRAURIG

Annapoorni R. Sankaran
sankarana@gtlaw.com
(617) 310-6058

March 4, 2004

BY FACSIMILE

Joel Z. Eigerman, Esq.
Pavel Bespalko, Esq.
50 Congress Street, Suite 200
Boston, MA 02109

RE: Okmanský v. Herbalife International of America, Inc.
United States District Court, CA No. 03-10574-JLT

Dear Messrs. Eigerman and Bespalko:

I am in receipt of your letter of even date in the above-referenced matter. My client's discovery responses are not overdue, as you claim. The Court's order of January 7, 2004 allows responses to written discovery to be served up to and including March 12, 2004.

As I discussed with Mr. Bespalko, my client is in the process of designating the FED. R. CIV. P. 30(b)(6) witnesses as described in plaintiff's notice. There will likely be more than one witness and, I am informed, the witnesses are located in Los Angeles, CA. I will get back to you shortly with dates on which the FED. R. CIV. P. 30(b)(6) designees of defendant Herbalife International of America, Inc., will be available for deposition in Los Angeles.

Please feel free to contact me if you have any questions and I thank you for your attention to this matter.

Very truly yours,



Anna R. Sankaran